

SEXUAL OFFENDER RESTRICTIONS - LOITERING.

A. FINDINGS AND INTENT

1. This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Village of Allouez from the risk that sexual offenders convicted of an offense against a child may re-offend in locations close to where children congregate. Given the high rate of recidivism for sexual offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places. Therefore, the Village finds and declares that sexual offenders are a serious threat to the public safety of children if regulatory measures are not in place that prohibit their loitering in specified areas designated as places children commonly congregate. The Village of Allouez finds and declares that in addition to schools and daycare centers, children congregate or play at child-oriented facilities, such as parks and playgrounds.
2. It is not the intent of this ordinance to impose a criminal penalty, but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the Village by prohibiting convicted sexual offenders from loitering in specified areas around locations where children regularly congregate in concentrated numbers. It is the further intent of this ordinance to recognize that convicted sexual offenders must reenter the community, and the Village of Allouez hereby accepts that it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that, in addition to promoting regulatory measures aimed at protecting children, its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society.

B. DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. Child means a person age 16 or younger for purposes of this ordinance.
2. Designated Offender means any person who is required to register under Wis. Stat. 301.45 and/or is under court ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child, unless the person is under the age eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult.

3. Loitering means, whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle, for the purpose of interacting or attempting to interact with children (excepting children or relatives of the designated offender), taking or attempting to take photographs of children (excepting children or relatives of the designated offender), or engaging in activities that would be of interest to children (excepting children or relatives of the designated offender) or when otherwise serves no legitimate purpose.
4. Loiter Free Zones:
 - a. The following areas including a surrounding fifty (50) foot radius where children congregate are designated by the Village to be loiter free zones including but not limited to:
 - (1) schools;
 - (2) a public park, parkway, parkland, park facility;
 - (3) a public playground;
 - (4) a public recreational trail;
 - (5) licensed day care centers;
 - (6) or any other place designated by the Village as a place where children are known to congregate;
 - b. Loiter Free Zone Maps: an official map, maintained by the Village, showing Loiter Free Zones designated in Purple (the "Loiter Free Zone Map"). The Village shall update the Loiter Free Zone Map at least annually to reflect any changes in the location of Loiter Free Zones. Loiter Free Zone Maps will be available at the Village's office and on the Village's official web site.

C. PROHIBITED LOCATION AND/OR ACTS

1. It is unlawful for a Designated offender to loiter within a Loiter Free Zone.
2. Holiday Prohibition: It is unlawful for any Designated Offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the Designated Offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

D. PENALTIES

A person who violates this ordinance shall be punished by a forfeiture not exceeding \$2,000.00, together with the actual costs of prosecution, including attorney fees, if necessary.

E. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.